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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/683,885

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William T. Rowse

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/683,885

Applicant(s)

ROWSE ET AL.

Examiner

Jonathan Ouellette

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:20020423,20030910,20040112,20050211.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 1, 7, 15, and 16** are provisionally rejected on the ground of nonstatutory double patenting over the independent claims of copending Application Nos. 09/547,650 and 09/547,661. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

3. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common

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subject matter, as follows: method/system for digitally capturing product information for transmission, in order to analyze a warranty concern.

4. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunte et al. (US 6,330,975 B1).**

7. As per **independent Claim 1, Bunte** discloses a method for transmitting digital media between remote computers via a communication network, the method comprising: capturing at least one digital image of an item with a digital camera device (photo image capture, C1 L31-42); capturing a barcode with a barcode scanning device wherein the barcode identifies the item (coded image capture, C1 L31-42); automatically downloading the captured digital image(s) and the scanned barcode into a first computer upon establishing operable communication between the

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first computer and the digital camera device and the barcode scanning device, respectively (terminal or host unit, C3 L7-17); and transmitting the at least one digital image and barcode from the first computer to a second computer via a communication network (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

8. As per **independent Claim 7**, **Bunte** discloses A system for transmitting digital media between remote computers via a communication network, the system comprising a first computer configured to: (i) receive at least one digital image file from a digital camera device wherein the image file is received automatically upon establishing operable communication between the first computer and the digital camera device (photo image capture, C1 L31-42); (ii) receive a barcode from a barcode scanning device identifying the at least one digital image file wherein the barcode is received automatically upon establishing operable communication between the first computer device and the barcode scanning device (coded image capture, C1 L31-42); and (iii) transmit the at least one digital image and barcode to a second computer via a communication network (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. **Claims 2-5 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Xactware (www.xactware.com, retrieved from the Internet Archive Wayback Machine <www.archive.com>, 6/29/1998).**

11. As per Claims 2 and 8, Bunte fails to expressly disclose inputting/receiving a first dialog associated with the digital image(s) and barcode into the first computer and transmitting the first dialog to the second computer.

12. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

13. Official Notice is given that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included disclose inputting/receiving a first dialog associated with the digital image(s) and barcode into the first computer and transmitting the first dialog to the second computer, as disclosed by Official Notice and Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process

15. As per Claims 3 and 9, Bunte and Xactware disclose wherein the first and second computer are each programmed to generate a graphical user interface for presenting the digital image(s), barcode and dialog.

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16. As per Claims 4 and 10, Bunte and Xactware disclose inputting a second dialog at the second computer in response to the digital image(s), barcode and first dialog input at the first computer; and transmitting the second dialog to the first computer.

17. As per Claims 5 and 11, Bunte and Xactware disclose archiving, in a computer database, the digital image(s), barcode and dialog transmitted between the first and second computers.

18. As per Claim 12, Bunte and Xactware disclose wherein the second computer is a server computer operably serving a plurality of client computers wherein the server computer is configured to route incoming transmissions to the client computers based on a priority indicator such that incoming media having an active priority indicator are routed to a client computer before incoming media having an inactive priority indicator.

19. As per Claim 13, Bunte and Xactware disclose wherein the second computer is a server computer operably serving a plurality of client computers wherein the server computer is configured to route incoming transmissions to the client computers based on a distribution algorithm wherein transmissions that are not viewed at one client computer within a predefined amount of time are rerouted to another client computer.

20. As per Claim 14, Bunte and Xactware disclose wherein the second computer is a server computer operably serving a plurality of client computers wherein the server computer is configured to route incoming transmissions among the plurality of client computers based on language of the transmission.

21. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Chainer (US 6,397,334 B1).**

22. As per Claim 6, Bunte discloses watermarking the image(s) with the barcode.

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23. However, Chainer discloses watermarking an identifier onto the at least one digital image (C4 L49-52).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included watermarking an identifier onto the at least one digital image as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing and *uniquely* tracking a multitude of product concerns.

25. **Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunte in view of Chainer, and further in view of Xactware.**

26. As per **independent Claim 15**, Bunte discloses a method for processing a claim, the method comprising: capturing at least one digital image of an item related to a customer concern with a digital camera device (photo image capture, C1 L31-42); scanning a barcode identifying the vehicle with a barcode scanning device (coded image capture, C1 L31-42); docking (initiating electronic communication) the digital camera device and the barcode scanning device into a portable data acquisition unit establishing operable communication between the digital camera device, the barcode scanning device and a first computer within the portable data acquisition unit wherein the first computer is programmed to automatically receive the captured images and barcode (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9).

27. Bunte fails to expressly disclose a vehicle warranty concern.

28. Chainer discloses processing automotive insurance inquiries through the use of an image/identification system (C1 L10-15); and while Chainer does not expressly disclose using the system for a vehicle warranty concern, it would be obvious to one of ordinary skill in the art

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at the time the invention was made to include a vehicle warranty concern in this group, as it would be a common form of product investigation.

29. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included processing a vehicle warranty concern, as disclosed by Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing a multitude of concerns, in order to increase the system customer base.

30. Bunte and Chainer fail to expressly disclose wherein the information relating to the vehicle warranty concern is received at the first computer into a computerized product concern form wherein the concern form is a claim approval request screen that includes a dialog portion for carrying on a dialog with a remote claim reviewer at a second computer device.

31. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

32. Official Notice is given that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.

33. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the information relating to the vehicle warranty concern is received at the first computer into a computerized product concern form wherein the concern form is a claim approval request screen that includes a dialog portion for carrying on a dialog with a remote claim reviewer at a second computer device, as disclosed by Official Notice and Xactware, in the system disclosed by Bunte, for the advantage of providing a customer

concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process

34. As per **independent Claim 16**, Bunte discloses a system for processing an claim, the system comprising: a first computer configured to: (i) receive and display at least one digital image file from a digital camera device illustrating a customer concern for a object/product where the at least one image file is received automatically upon establishing operable communication between the first computer and the digital camera device (photo image capture, C1 L31-42); (ii) receive and display a barcode from a barcode scanning device identifying the object/product wherein the barcode is received automatically upon establishing operable communication between the first computer and the barcode scanning device (coded image capture, C1 L31-42); and (iv) transmit the at least one digital image file, barcode and request for information to a second computer via a communication network (C8 L40-51; wired or wireless link, C3 L42-51, C5 L50-53, C7 L6-15; Fig.3, Fig.9)..

35. Bunte fails to expressly disclose a vehicle warranty concern.

36. Chainer discloses processing automotive insurance inquiries through the use of an image/identification system (C1 L10-15); and while Chainer does not expressly disclose using the system for a vehicle warranty concern, it would be obvious to one of ordinary skill in the art at the time the invention was made to include a vehicle warranty concern in this group, as it would be a common form of product investigation.

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included processing a vehicle warranty concern, as disclosed by

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Chainer, in the system disclosed by Bunte, for the advantage of providing a system for processing a multitude of concerns, in order to increase the system customer base.

38. Bunte and Chainer fail to expressly disclose wherein the information relating to the vehicle warranty concern is received at the first computer into a computerized product concern form wherein the concern form is a claim approval request screen that includes a dialog portion for carrying on a dialog with a remote claim reviewer at a second computer device.

39. However, Xactware discloses a claim handling system wherein claim information is inputted into a computerized product concern form (pgs.6-7, Xactimate), and wherein the agent can correspond with insurance offices or central offices through the network messaging (pgs. 2-3, pgs. 6-7, Xactnet).

40. Official Notice is given that Chat Technology or direct network dialog technology was well known at the time the invention was made as a form of network messaging.

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein the information relating to the vehicle warranty concern is received at the first computer into a computerized product concern form wherein the concern form is a claim approval request screen that includes a dialog portion for carrying on a dialog with a remote claim reviewer at a second computer device, as disclosed by Official Notice and Xactware, in the system disclosed by Bunte, for the advantage of providing a customer concern handling system/method, with the ability to increase system efficiency/effectiveness by incorporating multiple types of electronic forms and electronic communication formats in the concern handling process

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Conclusion

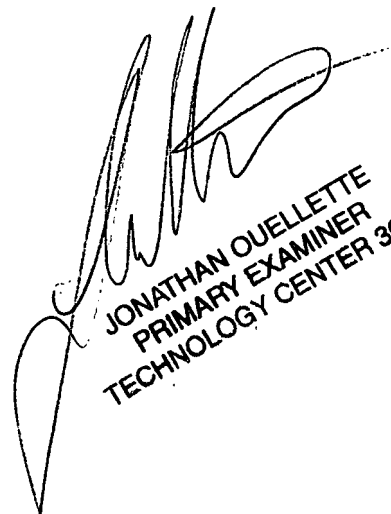
42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807.

The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

44. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

May 23, 2007



JONATHAN OUELLETTE
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600